

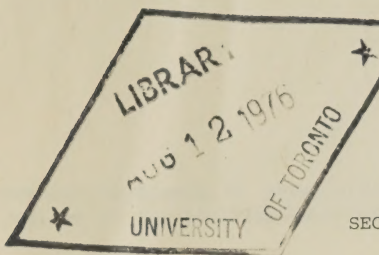
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SECOND INTERIM REPORT

of the

SELECT COMMITTEE ON THE FOURTH AND FIFTH REPORTS

OF THE ONTARIO COMMISSION ON THE LEGISLATURE

The Legislative Assembly of the Province of Ontario

THIRD SESSION, THIRTIETH PARLIAMENT

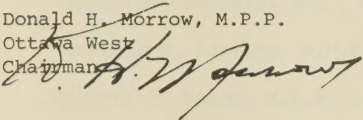
June 22, 1976

Honourable Russell D. Rowe, M.P.P.
Speaker of the Legislative Assembly

Dear Sir:

We, the undersigned members of the Select Committee appointed by the Legislative Assembly of the Province of Ontario on October 30, 1975, to study Reports Four and Five of the Ontario Commission on the Legislature, and to report to the Legislature on the advisability of implementing the recommendations of the reports, or any part or parts thereof; and, if deemed advisable, the method and timing of implementation, have the honour to submit the attached Interim Report.

Donald H. Morrow, M.P.P.
Ottawa West
Chairman



Margaret Campbell

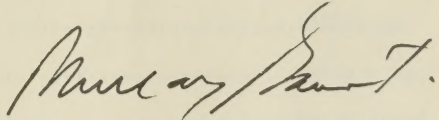
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THE SELECT COMMITTEE ON THE FOURTH AND FIFTH REPORTS
OF THE ONTARIO COMMISSION ON THE LEGISLATURE

THE LEGISLATIVE ASSEMBLY OF ONTARIO
THIRD SESSION: THIRTIETH PARLIAMENT

MEMBERS

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Margaret Campbell, Q.C., M.P.P.St. George
Michael M. Cassidy, M.P.P.Ottawa Centre
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*Replacing Bud Gregory, M.P.P. (Mississauga East) effective May 28, 1976

**Replacing Ron McNeil, M.P.P. (Elgin) effective June 8, 1976

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INTRODUCTION

A Select Committee was constituted in October 1975 to review the Fourth and Fifth Reports of the Ontario Commission on the Legislature and to advise on the implementation of the recommendations contained therein.

The First Interim Report dealing with media coverage of the House and constituency offices for Members was submitted to the Legislature on December 4th, 1975 and adopted following debate in the House December 18th. For reference, that report is included with this second report, as Appendix A.

The theme of the Fourth and Fifth Reports is the importance of the elected Member as legislator. This theme was adopted in turn by the Select Committee in its review of the Commissioners' recommendations and the preparation of this second interim report.

As the Members are well aware, the volume of Government business, ministerial expenditure estimates, committee work and constituency obligations place demands on Members' time that are, under present circumstances, virtually impossible to meet. The inevitable result of so many simultaneous commitments is that all are receiving less attention than they require and deserve.

Given the size and complexity of the Ontario Government today, which will only increase in future, it is irresponsible not to ensure that legislation and expenditures receive the careful scrutiny that was originally expected of Members. Unfortunately, to date the expansion of government has not been accompanied by a strengthening of the legislative process to provide that scrutiny.

The Select Committee has reviewed the two Reports with the dual objective of streamlining the legislative process to make it more effective and efficient, and of upgrading and expanding support services provided Members in their offices, in committees and in the Legislative Library.

The Committee would like to emphasize that this report is submitted as a complete proposal of inter-related recommendations which should, with a few exceptions, be considered in toto to prevent distortion of their intent.

This report follows the order of the Commissioners' recommendations in the Fourth Report. Throughout, the Committee has amended the original recommendations that require the support of 15 Members to require the support of 12 Members, as 12 Members constitute a party for purposes of official recognition in the House. Also, where reference is made to allocation of time, "days" are to be considered sessional days.

MINISTERIAL STATEMENTS

Currently, ministerial statements afford ministers an unlimited opportunity to speak, in the knowledge that the opposition cannot reply. As a result, there is a tendency for the opposition to use the time of question period to respond indirectly.

The Committee concurs with the recommendation that, as requested by the Select Committee of the Legislature on Rules and Procedure in 1969, each opposition party be given the right to make a brief reply to the statement. As a courtesy, with the obvious reservation of the Commissioners that "there are occasions when, for reasons of urgency or confidentiality, a statement cannot be released to the leaders", the Committee recommends that whenever possible the Ministry should provide the opposition leaders or critics with copies of the statement at least two hours before the legislature meets so that the leaders or critics can be better prepared to make their response.

QUESTION PERIOD

At the present time, question period does not serve Members as an effective forum for scrutiny of Government actions. The majority of questions are asked by the opposition leaders; there are many supplementary questions; answers are often inadequate and unnecessary debates arise on points of privilege and order. Interjections, though often provoked, are discourteous and so numerous as to be disruptive.

It is the Members' responsibility to use the time of question period effectively, and it is the responsibility and obligation of Ministers to provide succinct answers to the questions asked. It is perhaps appropriate to remind Members that a supplementary question is defined in Erskine May's Parliamentary Practice as being supplementary to the answer given.*

To give Members greater access to the question period, the Committee recommends that it be extended to one hour each day and that the leaders of the opposition parties be limited to two questions each, with supplementaries. Questions should then rotate between the three parties, beginning with the Opposition, and in this rotation the leaders should be free to ask further questions at their party's turn. Such a system would alleviate the pressure on Mr. Speaker for recognition and would be equitable and flexible in situations of unequal seat distribution amongst parties.

The Committee was requested by Mr. Speaker on November 24, 1975 to consider the right of Parliamentary Assistants to ask questions of the Ministry. It is recommended that they be so entitled, provided they do not seek information related to their own ministerial responsibilities. They should be entitled to answer questions on behalf of their Minister only when they have been designated Acting Minister by the Premier.

*Erskine May's Parliamentary Practice, Eighteenth (1971) Edition, Sir Barnett Cocks, K.C.B., O.B.E., Editor, London: Butterworth & Co. (Publishers) Ltd. page 330

ADJOURNMENT DEBATE

The Committee recommends that Adjournment Debate be held three days each week, for a maximum of one half hour prior to adjournment for the dinner recess. Each matter should be allotted ten minutes - five minutes for the Member raising the question and five minutes for a ministerial response, with a maximum of three issues per day for a starting time, at the earliest, of 5:30 p.m.

The Committee recommends that Members be required to give written notice at the end of question period of their intent to raise a matter on adjournment and that Mr. Speaker ensure that the necessary arrangements are made and the House so advised.

PETITIONS

In the past, the correct procedure for presentation of petitions has become unclear and many petitions have been unacceptable because of improper form. Under Sections 83 and 84 of the Standing Orders, a Member may present a petition either by filing it with the Clerk or by rising in his place in the House during routine proceedings.

Mr. Speaker, in a ruling December 11, 1975, stated that petitions may be received directly in the Legislature and laid on the Table without prior scanning.

The Committee recommends that this practice be continued and that every petition presented to the House by a Member be accepted, regardless of its form, emphasizing that it must be the Members' responsibility to ensure that petitions are within the competence of the Legislature.

The Committee recommends that every petition filed with the Clerk or presented in the House should be recorded in Votes and Proceedings, and those filed with the Clerk during a recess or prorogation should be reported to the House on the first day of the next session.

The Committee recommends that all petitions received be referred to the Standing Procedural Affairs Committee which will require a response from the appropriate ministry and transmit that response to the House and to the petitioners.

PRESENTING REPORTS AND TABLING DOCUMENTS

(a) Presentation of Committee Reports

The Committee concurs with the recommendation that, unless there is some prior agreement reached by all parties, every committee's report should be accompanied by a motion to adopt the report. The House should either consider the motion or by unanimous consent schedule debate on the motion for a later date, to be specified.

(b) Reports Required by Statute

The Committee is concerned that, as the Commissioners observe, "Clearly the statutory requirement to table a report in the Legislature is not being taken seriously in Ontario - either by the Ministers required to table them or by Members whose rights to information are being abrogated". (Fourth Report, page 40) Some reports are being tabled too late to be of use to Members and others are not being tabled at all.

The Committee concurs with the recommendation that, in order that both Ministers and Members may have an accurate accounting of which reports are required to be tabled, the Clerk's office should circulate an up-to-date listing of all reports required by statute. The Committee recommends that this list indicate the statutory tabling date and the date the most recent report was tabled.

To ensure that reports are tabled in a more timely manner, the Committee recommends that all reports required by statute be tabled within two months of the close of the reporting period and that this requirement be incorporated into the appropriate governing legislation.

Further, the Committee recommends that the annual reports for the immediate past reporting period of each ministry and the boards, agencies and commissions which report through that Minister must be tabled in the House prior to consideration of the Ministry's estimates. Where these time limits create difficulties, duplicated copies of reports would be adequate for the Members' use.

The Committee recommends that, on the petition of 12 Members, any report required by statute and tabled in the House must be referred to the appropriate standing committee.

(c) Reports and Papers not required by Statute

Acknowledging the need for Government confidentiality until its policies are announced, the Committee recommends that following any policy announcement or the introduction of legislation, any report, analysis or summary of facts submitted for consideration at the ministerial level in the deciding on the announcement or legislation be tabled in the House.

The Committee concurs with the recommendation that a separate section of the Notice Paper should be set aside for motions for papers, so a Member who wishes to place a policy resolution on the Paper is not precluded from doing so by the fact that he has already tabled a motion for papers.

In order that the process of tabling documents be made both simpler and more effective:

- (1) The Committee concurs with the recommendation that, to save House time, tabling should be done by simply filing a signed copy of the document in question with the Clerk, and recording the tabling in Votes and Proceedings;

(2) The Committee recommends that all reports tabled in the House be distributed to each Member. If reports are not distributed to Members in the House, copies should be delivered to their Queen's Park offices rather than to their homes, unless specifically requested by a Member. When background documentation or information is being tabled, copies should be provided to the opposition critics and also kept available for perusal in the Clerk's office and, for the press and the public, in the Legislative Library.

(3) In order that printing costs be reduced and the products of more use to Members, the Committee recommends that for all Government reports and documents there be some standards in size, format and colour-coding. Government boards, agencies and commissions should adopt similar guidelines.

(d) Answers to Written Questions

Written questions are now being printed on the Notice Paper each day.

The Committee concurs with the recommendations that:

- (1) Each question be accompanied by the date of its first appearance;
- (2) All written questions should be answered within two weeks;

The Committee recommends that:

- (3) If the Minister concerned concludes that he does not wish to answer the question, or that answering it will be inordinately expensive or that it will take many weeks to answer, then he or she should indicate this in the Legislature on Orders of the Day within a fortnight of the first appearance of the question, giving reasons therefor;
- (4) If a Member's question remains unanswered at the end of a session, it should automatically be placed on the NoticePaper in the next Session, with the date of the first appearance, unless the Member requests that it be withdrawn.

As is the present practice, responses to written questions should be appended to the instant transcript of proceedings and printed in Hansard.

GOVERNMENT BILLS

The Committee strongly supports the Commissioners' statement that:

In the interests of good legislation, Members need sufficient time to study a bill, to obtain the necessary research, and to contact constituents who might be affected by it.

Fourth Report, page 46.

As the Commissioners' observe, the Government will always be responsible for the order in which Government business is brought before the House; and, once it is called, it will always be difficult to determine how long discussion of an item will take. Despite these constraints, with the current volume of business to be considered by Members, it is imperative that the scheduling be done reasonably.

The Committee concurs with the recommendation that a projection of the next week's business, based on discussions among the House Leaders, be filed by 10:00 p.m. Thursday and printed in Friday's Order Paper.

The Committee concurs with the recommendation that a courtesy which a Minister should give to Members at first reading when he is sponsoring an amendment or amendments to a statute or statutes in force is an up-to-date consolidation of the acts to be amended.

The Committee recommends that without unanimous consent to proceed otherwise, no bill may pass more than one stage per day; there must be at least two days between printing/distribution and the commencement of consideration on second reading; and the House may not sit beyond 10:30 p.m.

The Committee believes that the House would benefit from greater use of reasoned amendments, particularly as a means to encourage opposition parties to present positive alternatives to Government Bills. The Committee therefore recommends that the required notice for reasoned amendments be reduced from one day to three hours prior to the sitting at which they are to be considered.

The Committee concurs with the recommendation that when 12 Members signify by standing in their places their desire that a bill be sent to standing committee, it be so sent. In order that interested members of the public might be informed, the Committee recommends that there must be a minimum of five days between referral and commencement of committee hearings. This requirement may be waived with the unanimous consent of the House, or with the vote of a majority of Members, following a debate.

The Committee agrees with the Commissioners that amendments presented during committee stage will be better prepared and more adequately considered if they are filed in advance. The Committee therefore recommends that, as a practice, Ministers and other Members should file their amendments with the clerk and provide copies to the other parties at least two hours prior to the sitting at which they are to be considered. Most amendments would therefore be submitted in advance, although the House should still permit new amendments that arise in the course of debate.

The Committee later in this report concurs with the recommendation that there be an official Hansard record of all committee proceedings.

With such a record, when a bill has been studied in standing committee, detailed re-examination should not be permitted during consideration by Committee of the Whole House; rather, discussion should be limited to amendments introduced at that time.

It is indefensible that when a bill is before the House there should not be adequate copies of the legislation, or the amendment and statutes affected, to meet the requests of Members and interested citizens. This has been the case on several occasions recently, to the inconvenience of all concerned. In most cases, the Ministry must be able to anticipate public interest in legislation and prepare accordingly.

The Committee recommends that, when legislation of particular public interest is before the House, extra copies of the legislation and the statutes affected should automatically be printed.

As stated at the outset, the over-riding goal of the Committee is to enhance the role of Members as legislators. The objective of these recommendations is to alleviate the problems Members face with the growing volume of business that government generates by streamlining the legislative process and improving support services to Members. The Committee would also like to comment on the spirit of legislative debate which, generally, has not been conducive to enhancement of the role of legislator. As a result of Government reluctance to provide background information and research on its policies, there is a growing frustration among Members and debates are becoming more adversary than substantial.

It is recommended elsewhere that the Ministry table background research and material related to its policies. The Committee recommends further that, to reduce the adversary spirit of debate, to make it more meaningful, and to expand the working knowledge of government among Members, Ministers should invite opposition critics to join them as observers at meetings, study sessions or on fact-finding tours. There is a precedent to this recommendation which some present Members will recall, when opposition party leaders accompanied the Premier to Prime Ministers' conferences. The Committee feels that the courtesy would be self-policing and would be of great benefit to the work of the Members.

If the ministerial responsibility on which our legislative system is based means anything, it must surely impose on Ministers an obligation to be well versed in their legislation before they bring it before the House.

Fourth Report, page 47.

The Commissioners recommend that anyone but Members, officers and pages of the House be prohibited from the floor of the Legislature when it is sitting. The Committee agrees that clearly too many staff are now being admitted to the House, and that their presence is a disruption to both the Ministry and opposition Members. To minimize this distraction without unduly hampering Ministers' and opposition party leaders' access to their staff, the Committee recommends that Mr. Speaker give immediate consideration to reducing the number of staff admitted to the floor of the Legislature.

The Committee has reviewed the Commissioners' recommendations on closure and is not prepared to support them. Since debate in the Ontario House is very seldom prolonged, the Committee recommends that there be no change in the present procedure of Standing Order 37.

GOVERNMENT MOTIONS AND RESOLUTIONS

In a later recommendation, the Committee proposes that the motion for Interim Supply authorize the expenditures of the Government for a period of four months rather than for a portion of the proposed total expenditure.

The Committee concurs with the recommendation that Interim Supply should only be moved with notice, as a substantive motion (affording opportunity for debate), and with limitations on the amount of interim expenditure being authorized.

The Committee concurs with the recommendation that, as currently required by Standing Order 32(a), notice should also be given of motions dealing with the appointment of committees and the referral of estimates to committees.

DEBATE ON THE SPEECH FROM THE THRONE AND BUDGET DEBATE

Traditionally, debate on the Speech from the Throne and the Budget, as well as debate during consideration of estimates, has been viewed by Members as an opportunity to comment on matters of personal or local interest. Limiting the Throne Speech and Budget debates would improve the level of all three debates by making them more timely, focussing attention on the subject at hand. (Members should note that this report includes a subsequent recommendation to establish a Private Members' Day which will provide a forum for presentation of matters now included in the current wide-ranging Throne Speech and Budget debates.)

The Committee recommends that eight successive days be devoted to debate on the Speech from the Throne, and that the debate be concluded before the introduction of the Budget.

The Committee recommends that eight days be devoted to Budget Debate and that this debate be concluded within ten days. During the debate, one day should be allotted to the Treasurer and each of the opposition leaders or critics, and five days to Private Members.

The time apportioned to each party for both debates and the schedule for Budget Debate should be determined by agreement of the House Leaders.

The Committee concurs with the recommendation that, for the benefit of Mr. Speaker, Members and the press, the Whips should prepare advance lists of speakers.

SUPPLY DEBATE

The Members' responsibility for scrutiny of government expenditures cannot be emphasized too strongly. In the past, as a result of poor planning and lack of advance notice, Members have often been ill-prepared for consideration of ministerial estimates and opposition critics have been faced with related estimates being dealt with concurrently in the House and in committee.

Reasonable scheduling of estimates is essential if they are to receive effective scrutiny by the Legislature. The House Leader should expect and receive the co-operation of his Cabinet colleagues to make this possible.

To refer all expenditure estimates to committee would diminish rather than enhance the role of the Legislature. The Committee recommends that, upon consultation of the House Leaders of all parties, one half the total number of estimates to be considered be referred to committee. All estimates should be available within five days of the Budget, at which time consideration should begin, based on a tentative schedule drawn up by the House Leaders. When debate on the Speech from the Throne is concluded, with the agreement of the House Leaders the estimates for a ministry of an essentially administrative nature could be referred to a committee for consideration prior to presentation of the Budget.

To allow each party an equal voice in the ordering of estimates, the Committee concurs with the recommendation that the Official Opposition choose which ministry it wishes to deal with first, and in which committee. The third party will choose next, followed in turn by the governing party, each party's decision being presented by the House Leader to his counterparts. This rotation will continue until all estimates have been dealt with, or until supply time runs out, whichever comes first.

As currently determined under Section XIV, page 19 of Standing Orders, the allocation of time for consideration of estimates is clearly inadequate and unequal. For example, in the current session (Third Session, Thirtieth Parliament), when 17 estimates were referred to committee, deducting 170 hours from the total 225 hours, there remained 55 hours for the House to consider 12 sets of estimates, including such large and complex ministries as Education, Health, Community and Social Services and Treasury, Economics and Intergovernmental Affairs.

After careful consideration of the Commissioners' recommendation, the Committee proposes allotting a global number of hours for consideration of estimates, whether in the House or in committee, which should provide adequate time and flexibility as well as more effective scrutiny of estimates.

The Committee recommends that a total number of hours, calculated on the basis of 15 hours for each estimate to be considered, be dedicated to consideration of estimates, and that the global number of hours be reduced by one hour for each hour spent on estimates, whether in the House or in committee. Notwithstanding the fact that the total time is calculated on the basis of 15 hours per ministry, more or less than 15 hours may be spent on each estimate, provided that the global allotment of hours is not exceeded.

The Committee recommends that legislation and/or estimates within the same policy field not be scheduled concurrently for the House and committee. Further, the Committee recommends that no more than two sets of estimates be before committees at the same time, and that no more than one estimates committee should meet concurrently with the House without the unanimous consent of the Members.

In recognition of the demands on all Members' time, the chairmen of committees, without penalty of lost time to the Committee, should extend the courtesy of postponing meetings when advised that either the Minister or a critic is unable to attend.

Given the current limited access to ministerial information, it is virtually impossible for Members to be adequately prepared to examine estimates in a careful and constructive manner, as is their responsibility. The Committee feels strongly that the scrutiny of expenditures is very important and must be re-emphasized; to do this, it is recommended that prior to the scheduling of consideration of a Ministry's estimates, the critics be provided with briefing books prepared by the ministry, such as those currently prepared for the ministers. Such books should be given to the critics prior to the debate, so that they might be consulted in the preparation of opening statements. This courtesy has successfully been extended on occasion in the past and would do much toward improving the substance and effectiveness of estimates debates.

It is recommended elsewhere that ministerial annual reports must be tabled in the Legislature prior to consideration of a ministry's estimates.

The estimates as tabled provide information on the past year's expenditures only in terms of the estimates and supplementary estimates for that year. When a committee commences consideration of an estimate, or prior to the meeting if possible, the Committee recommends that the Minister table the latest estimate of the amount spent in the preceding fiscal year (or in the current fiscal year, if consideration is prior to March 31st). Such information should identify by vote and item and briefly explain variations from the printed estimates for the preceding year as shown in the current year's estimate book.

The Committee recommends that, in accordance with recent practice, supplementary estimates be brought before the House late in the fall session for increased spending as required.

The Committee recommends that Management Board Orders, which would be utilized as appropriate throughout the year, be tabled as a supplement or appendix to Ontario Finances, the Treasurer's quarterly report, which is tabled in the House. The supplement or appendix should explain the significant variances in expenditures from the printed estimates and provide an explanation of major Management Board Orders.

The Committee recommends that the motion for Interim Supply authorize the expenditures of the Government for a period of four months rather than for a portion of the proposed total expenditure. Interim supply debate will afford Members the opportunity to debate the information supplied in the Treasurer's quarterly report, including Management Board Orders.

The Committee recommends that Special Warrants, which may only be used when the Legislature is prorogued, be tabled in the House on the first day of the next Parliament.

The Commissioners observe that "there seems no reason to continue limiting confidence motions to the supply period." (Fourth Report, page 58) The Committee concurs with the recommendation that a limited (but larger than at present) number of non-confidence motions should be allowed at any time during the year.

The present rules restrict the debate of non-confidence motions to one half day and in the past this has proved inadequate. Given the importance of non-confidence motions, the Committee recommends that a full day should be devoted to their debate.

PRIVATE BILLS

As has been stated previously, the Committee believes strongly that the role of Members in committees must be enhanced. As part of an overall reform of committees to be proposed later, the Committee feels that consideration of private bills by the standing committee for the related policy field would give Members a more comprehensive view of legislation in the policy area and at the same time ensure knowledgeable scrutiny of private bills.

Therefore, the Committee recommends that private bills be referred to the appropriate standing committee.

The Committee concurs with the recommendation that the sessional deadline for submission of private bills be removed and recommends that the required advertising for any bill be completed before it is referred to committee.

PRIVATE MEMBERS' HOUR

As part of the proposed reform of the House schedule to afford Private Members more meaningful participation in the legislative process, the Committee concurs with the recommendation that Friday sittings be devoted to consideration of Private Members' business. The Committee recommends further that, to ensure maximum opportunities for debate, the routine proceedings, including question period, be suspended for the day.

The Committee does not concur with the lottery method of selecting items for debate on Private Members' Day, as recommended by the Commissioners. Debate should, as at present, rotate amongst the parties, and bills and resolutions which come forward should be determined by the parties.

The Committee recommends that each bill or resolution be allotted a maximum of 1 1/2 hours of debate, and that each item be brought to a vote. To permit maximum participation, the Committee recommends that all bills and resolutions be stacked and voted on at one o'clock, without division bells. An item which at adjournment had not received the maximum length of debate could, if so desired, be carried over for discussion the following week.

The Committee concurs with the recommendation that Members be permitted as many notices of motion on the Notice Paper as they wish, and not be limited to only one, as at present.

The Committee recommends that Members give consideration to greater use of resolutions as an alternative to Private Members' Bills, for the dual advantages of easier preparation and more economical publication.

The Committee also concurs with the recommendation that one or more Private Member's Public Bills may be referred to the appropriate standing committee for consideration and report on the "subject matter" only. This can be done after second reading debate as an alternative to a vote on the principle of the bill. As the Commissioners state:

Of course, such a practice must develop out of thorough appraisal and discussion beforehand on the part of House Leaders and whips. There will be some subjects on which there are several Private Members' Bills and if all these were referred, it would enable a thorough examination of the worth of legislative change without committing either Government or Opposition.

Fourth Report, page 61.

The Committee recommends that the order of business for Private Members' Day be scheduled at least a week in advance.

EMERGENCY DEBATES

The Committee notes the Commissioners' comments on emergency debates and agrees that the present practice should continue.

DIVISIONS

To expedite the business of the House, the Commissioners recommend that division bells be limited to 15 minutes. The Committee agrees in principle, but recommends that they be limited to 20 minutes, at which time the vote must be taken, even if a party or a whip has failed to report.

COMMITTEES

One area of the work of the Legislature in which Members could contribute far more substantially than they have in the past is in committees. Given the growing volume and complexity of legislation, expansion of the role and importance of committees is logical and necessary.

The Committee has based its deliberations on the premise that membership on committees should be considered prestigious, and permanent for the length of the Parliament, though pro tempore substitution should be permitted. The basic structure was determined to provide that no member would be assigned to more than one committee. However, Members would still be able to participate in deliberations of other committees in which they have an interest.

In considering the structure of committees, it became clear that any discussion had to be preceded by determination of the number of Members available to serve on them. Although the Commissioners' recommendation that the House be increased to 180 Members has not been accepted, the Committee acknowledges that over the next few years, beginning with the next redistribution, the number of Members must be increased if they are to do the kind of legislative and committee work envisaged in this report. Keeping in mind possible changes in party representation in the House, the Committee feels at least 155 members will be required. The Committee arrived at this figure on calculating the number of Members required for Committees (114), Cabinet (25), opposition party leaders (2), Speaker and deputies (3), whips (3), and the proposed panel of chairmen (8).

After careful consideration, the Committee is unable to agree with the Commissioners' recommendation that estimates be referred to small, specialist committees and that bills be referred to large ad hoc committees, but recommends instead that three large standing committees be established, aligned with the policy fields of justice, social development and resources development, and a fourth for Treasury, Revenue and the other ministries not in policy fields.

The House should always have the power to appoint select committees, for example, the striking committee; however, the Committee recommends that special studies which are now being done by select committees should normally be referred to the appropriate standing committee, which could appoint a sub-committee to undertake the study.

The Committee recommends establishment of the following standing committees, with proposed membership indicated in brackets:

Justice Policy	(20)
Resources Policy	(20)
Social Policy	(20)
Treasury, Revenue and miscellaneous estimates and legislation	(20)
Public Accounts	(13)
Procedural Affairs	(7)
Management and Members' Services	(7)
Regulations and other Statutory Instruments	(7)

The four large committees are intended to consider all estimates and legislation within their field of ministries. As has been recommended previously, these committees would consider private bills within their group of ministries.

The Public Accounts Committee would continue with its present responsibilities.

The Procedural Affairs Committee would also continue, with new emphasis as a small, prestigious, non-substitutable committee including representatives of each party, assigned for the length of the Parliament. This committee would consider matters of procedure referred by the Speaker and petitions, and maintain an on-going review of procedure in the House. It is hoped that through such a committee, each party will develop experts on procedure who will contribute their knowledge to each caucus and in turn to the over-all legislative process. The Committee concurs with the recommendation in the Fifth Report that a committee of the Legislature undertake a review of all existing boards, agencies and commissions, with particular regard to redundancy and overlapping, and recommends that this review be carried out by the Procedural Affairs Committee.

A new committee is proposed to maintain an on-going review of Legislative and Members' Services. It is the strong feeling of this committee that services for Members should be monitored and up-dated on a continuing basis, not just every five or ten years by special commission. Such an on-going review would prevent Members' services from falling far behind what is appropriate, as has happened, and eliminate the need for a massive catch-up to bring them to the level of service and support that Members require to serve the public. However, this committee is not intended to preclude the function of the Board of Internal Economy.

The Committee concurs with the recommendation that the present statutory requirement for a regulations committee be repealed and recommends further that regulations be considered by a new standing committee on regulations and other statutory instruments. In addition to reviewing, as at present, whether regulations are within the power of the legislation under which they are made, the committee should be empowered to determine if the regulations carry out the spirit of that legislation or if they constitute an abuse of power, or if they are ultra vires.

As with the federal committee of the House of Commons, all statutory instruments must be referred automatically to this committee for consideration and possible report to the Legislature.

In order to carry out its duties and to monitor the volume of regulations now being prepared by the Province, the committee should be empowered to maintain permanent legal staff.

The Committee concurs with the recommendation that committees should be free to schedule their own business, to meet concurrently with the House and to sit during a recess if they wish. The Committee recommends further that committees be empowered to call witnesses and to travel during the course of their business, during either a session or a recess.

The Committee concurs with the recommendation that the Standing Orders should spell out in greater detail provisions dealing with:

- rules governing the examination of witnesses
- the possible rights of witnesses to counsel
- the payment of expenses to witnesses whom the committee invites before it
- a mechanism for reporting by committees which encourages a large number of reports being debated in the House
- the power of committees to appoint sub-committees and steering committees
- the power of committees to determine the manner, location and timing of their meetings
- the power to appoint staff under certain circumstances and subject to certain constraints
- the procedure on who shall write a committee's report and what consideration shall be given to it in committee.

If the foregoing changes are implemented, the large policy field committees would be able to consider estimates and legislation, and to assign special studies to small sub-committees which would function as do current select committees.

Rather than accept the recommendation that a special committee consider ministerial undertakings, the Committee recommends that they be dealt with through adjournment debates.

To bring committee practice into line with that recommended for the House, the Committee recommends that there be no more than 20 minutes between the calling and taking of a vote.

In addition to its recommendation on page 5 concerning the tabling of reports, the Committee recommends that the annual reports of boards, agencies and commissions must be tabled in the Legislature and may be referred to the appropriate standing committee for study, on the petition of 12 Members of the House.

The Committee concurs with the recommendation that there be an official Hansard record of all committee proceedings, with the possible exceptions of in camera meetings or while travelling. On these occasions, if a record is desired by a committee, they may substitute a voice or tape recording of proceedings.

The Committee concurs with the recommendation that the staff of the Clerk of the House be enlarged and trained, and that all clerks, with the exception of the Chief Clerk and the First Clerk Assistant, be assigned to serve committees over a session, if not the entire term of a legislature.

The Committee recommends that every Friday all committee meetings for the following week be scheduled and notice posted on the bulletin boards, in the elevators and at the information desks. Elsewhere, the Committee recommends that the business of the House, including Private Members' Day, be ordered a week in advance. The Committee recommends that a summary of House and committee business be distributed to the press weekly, with the request that the media in turn make the information available to the public.

The Committee recommends that a messenger or page automatically be assigned to every committee meeting.

The Committee concurs with the recommendation that, to assist in finding and training chairmen and to ensure that there is more consistency to the procedural rulings handed down in committees, there be established a permanent panel of Members from which all committee chairmen would be chosen.

This panel would be under the supervision of the Speaker, and would be charged with acquiring a detailed knowledge of procedure. Members would be appointed by the parties in proportion to their representation in the House. The Committee recommends that selection of a member of the panel as chairman of a particular committee should be done by the Speaker.

The Committee intends to report on how the legislature should deal with reports of the Ombudsman in its final report.

The Committee intends to make further recommendations concerning the space and facilities available to committees in its final report.

WEDNESDAY SITTINGS

The original intention of the Legislature not sitting Wednesdays was to give Members an uninterrupted day for Cabinet, caucus and committee meetings. This day has been well used by Cabinet, but has not become a "committee day" for Members. Members who live within commuting distance of Toronto have been able to use the day effectively in their constituencies, but for Members who cannot commute, the day is particularly ineffectual.

The Committee concurs with the recommendation that the Legislature resume day sittings on Wednesdays.

RESEARCH ASSISTANCE

The primary concern of the Reports of the Commission and this Committee is to enhance the role of the Private Members. At present, with the research assistance provided, it is impossible for Members to effectively scrutinize government expenditures and legislation, defended by a minister with the assistance of his entire ministry. Also, it is becoming ever more important, and correspondingly more difficult, for Members to develop expertise in their areas of responsibility or particular interest.

The Committee recommends that research assistance be provided to Members in each caucus, in committees, and in the Legislative Library.

Bearing in mind the acknowledged need to enhance the role of Private Members, and the research that is available to Cabinet Ministers and party leaders, the Committee recommends that each Private Member be entitled to a research assistant.

The present library services clearly do not meet the needs of today's Members. Although it does not feel qualified to comment on the technical aspects, the Committee recommends that adequate funds be appropriated to the library to improve services.

Existing services must be upgraded to offer a strong reference service and a compact research section for committees and Members. This should be done immediately. The research team envisaged might consist of representatives from various disciplines, particularly an economist, a lawyer, experts in resources development, social policy and perhaps business administration. Ideally, some or all of this research team would have administrative experience as well.

The Committee recommends that the press clipping service be transferred to the library, expanded and maintained in a vertical file for access and use by Members and their staff.

In order to further improve the library, the Committee recommends that the Library of the Parliament of Canada be asked to carry out a analysis of the library and its services.

The Committee intends to comment on space available to the library in its final report.

MEMBERS' SERVICES

There are a number of services which, if implemented, would greatly assist Members in the day-to-day fulfillment of their responsibilities.

Currently, while the House or committees are sitting, most Members must return to their offices to place telephone calls. To reduce this inconvenience, the Committee recommends that telephone booths be installed adjacent to the Chamber and to each committee room.

The Committee recommends that an improved messenger service be available on a full-time, year-round basis for all Members and their staff.

With the current number of Members, their desks in the Chamber have become uncomfortably crowded. The Committee recommends that Mr. Speaker give immediate consideration to the allocation of space within the Chamber and to the possibility of an additional row of desks.

At the present time, most Members are in their office full-time throughout the week. During sessions, on evenings the House does not meet, there is no food service available past four o'clock. This is a great inconvenience to Members and staff who work through the dinner hour. The Committee recommends that during sessions the Members' Dining Room provide service to Members and their staff until eight-thirty each weekday evening except Friday. During periods of recess, some appropriate food service should be available to Members and staff until seven-thirty each weekday evening except Friday.

The Committee will be studying the use of the Legislative Building, including the library, and making recommendations in a subsequent final report.

In the meantime, the Committee concurs with the recommendation that the Legislative Building be placed under the Speaker's authority and that the space in the Building be designated as legislative.

APPENDIX AINTERIM REPORT OF THE SELECT COMMITTEE ON THE FOURTH AND FIFTH REPORTS OF THE ONTARIO COMMISSION ON THE LEGISLATURE

December 4, 1975

A Select Committee of this Legislature was assigned to study Reports Four and Five of the Ontario Commission on the Legislature, and to recommend on the advisability of implementing the recommendations of the reports, any part or parts thereof; and, if deemed advisable, the method and timing of implementation.

The Fifth Report contains recommendations on several matters of concern and importance to Members which could be dealt with immediately; the Committee has decided therefore to submit interim recommendations on media access to the Legislature, constituency offices for elected members and one procedural matter.

The Committee has held ten meetings to date and would like to acknowledge the co-operation of the following people who appeared before it: Douglas Fisher, Peter Brannan and members of Hansard staff, cameramen, Denis Massicote, David Allen and members of the press gallery, and Bernard Newman, M.P.P. John Holtby, First Clerk Assistant of the House, attended discussions on constituency offices in Quebec, British Columbia and the federal government.

Media Coverage

The Fifth Report deals at length with media coverage of proceedings in the Legislature. As a result of meetings with members of the Hansard staff, the press gallery and the electronic media, the Committee is aware of the practical implications of the proposed changes, and feels that their implementation could be accomplished on an interim basis with relatively little inconvenience.

Radio feeds are available at once at little cost, and we are satisfied from test film taken in the Chamber on November 25 that film cameras can be given access to the Legislature at moderate cost to provide, with only minor changes in lighting, reasonable coverage of every Member. Since film is the major medium now used for television news coverage, this would be a satisfactory interim solution.

The Committee will report on the broader questions of the introduction of television cameras, restructuring and refurbishing of the Assembly in its final report.

Recommendation: The Committee recommends that this Legislature give access to press gallery members for radio, film and still photograph coverage of the Legislature and its committees, in time for the next session, provided that a committee composed of the Speaker, representatives of all three parties and of the press gallery can reach a satisfactory agreement on the details of such access.

Constituency Offices

The Commissioners recommend in the Fifth Report that each elected member of the Legislature be entitled to a constituency office at public expense. The Committee asked each Member of this House for comments on this proposal and of 125 members, 97 indicated they are in favour of such publicly funded constituency offices, 3 are against and 4 made other suggestions. Eighty-six indicated such funding should commence immediately or on January 1st, 1976 and 11 suggested a later date.

The Committee concurs in the recommendation of the Commissioners:

that each elected Member of the Legislature be entitled to a constituency office and to the services of one employee, each at the expense of the public treasury. The costs of premises will vary significantly, but the treasury should be prepared to pay for reasonable space at going rates in the particular constituency. Additionally, salary for office help should be commensurate with salaries paid to the employees of the Members in their legislative offices.

Terms of leases and salaries for those employed should be negotiated by the individual Member and be approved by the Speaker who should also, in our judgment, recommend sensible guidelines and expenditure ceilings.

All expenses for the maintenance of such offices should be submitted to the Office of the Assembly for payment and should be published annually in the official Hansard.

The Committee feels that expenses for such offices should be paid directly by the Speaker and not through the Member. Should a Member desire more than one employee, he should be able to make alternative arrangements with the Speaker, provided that the total remuneration does not exceed the equivalent for one full-time employee.

No salary shall be paid to a Member's spouse or immediate family.

No rent shall be paid for a constituency office located in the home or business office of a Member or his immediate family, or in political party premises.

Within guidelines set by the Speaker, allowable expenses should include maintenance, office supplies, telephone service and furnishings in accordance with Queen's Park offices.

Where a Member requires a mobile office or more than one office because of the geographical size of his riding, he may make alternative arrangements with the Speaker, provided that the total cost does not exceed that which would be paid other Members.

The Committee strongly suggests the provision for constituency offices be effective January 1, 1976.

Recommendation: The Committee recommends that the Board of Internal Economy give immediate and urgent consideration to the recommendations of the Commissioners.

Introduction of Visitors to the Legislature

Recommendation: The Committee recommends, in keeping with the recommendation on page 74 of the Fourth Report, that no announcements of visitors in the galleries in the Legislature be made with the exception of Heads of State, their representatives or distinguished parliamentary guests, as Mr. Speaker may decide, and such introductions should be made by Mr. Speaker.

APPENDIX B

Witnesses Before the Committee

Hon. James A.C. Auld
Chairman
Management Board of Cabinet

Mr. Robert D. Carman
Executive Director
Programmes and Estimates Division
Management Board of Cabinet

Mr. John Holtby
First Clerk Assistant
Legislative Assembly

Mr. George McIntyre
Executive Director
Treasury Division
Ministry of Treasury, Economics and Intergovernmental Affairs

Hon. W. Darcy McKeough
Treasurer of Ontario and Minister of Economics and
Intergovernmental Affairs

Mr. Robert F. Nixon, M.P.P.
Brant-Oxford-Norfolk

Miss Doris Wagg
Legislative Librarian



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